



U.S. DEPARTMENT of STATE

Monaco

Country Reports on Human Rights Practices - [2004](#)

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Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are the Counselor for the Interior (who is usually French), the Counselor for Public Works and Social Affairs, and the Counselor for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 24-member National Council. The last National Council election was held in February 2003 and was considered free and fair. There also are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12 member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions. The judiciary is independent.

In addition to the national police force, the "Carabiniers du Prince" carry out security functions. Government officials effectively controlled the security forces. There were no reports that security forces committed human rights abuses.

The population was approximately 32,000, and the principal economic activities were services and banking, light manufacturing, and tourism. The economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Authority to change the Government and initiate laws rests with the Prince. The Penal Code prohibits public denunciations of the ruling family. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 7,100 residents who hold Monegasque nationality. Some remnants of legal discrimination against women persisted, particularly with regard to the transmission of citizenship.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

Women were held separately from men, and juveniles were held separately from adults. Pretrial detainees were held separately from convicted prisoners.

Persons convicted and sentenced are transferred to a French prison to serve out their prison term.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The primary role of the police is the maintenance of law and order within the Principality and to ensure the safety of visitors and citizens alike.

Arrest warrants are required and issued by an appropriate legal entity, except when a suspect is arrested while committing an offense. Police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. There is a functioning bail system, and it was used depending on the type and severity of the crime. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to see detainees, and detainees are provided prompt access to a lawyer.

e. Denial of Fair Public Trial

Under the Constitution, the Prince delegates his judicial powers to the judiciary. The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The legal system includes: A Court of First Instance, a Court of First Appeal, a Higher Court of Appeal, a Criminal Court, and the Supreme Court. The Supreme Court is composed of 5 chief members and 2 assistant judges named by the Prince on the basis of nominations from the National Council in conjunction with other governmental bodies. The Supreme Court is the highest court for judicial appeals and also interprets the Constitution when necessary. The legal system is closely related to France's and is patterned after the Napoleonic Code.

The law provides for the right to a fair trial, and the independent judiciary generally enforced this right. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights and did not restrict academic freedom; however, the law prohibits public denunciations of the ruling family, a provision that the media generally observed.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism is the state religion.

No missionaries operated in the principality, and proselytizing was strongly discouraged. However, there is no law against proselytizing by religious organizations that are registered formally by the Ministry of State. Organizations regarded as religious "sects" routinely have been denied such registration; however, there were no reports of religious organizations being denied registration during year.

There were no reports of anti Semitic discrimination or violence.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and the Government did not employ it.

Residents moved freely within the country and across its open borders with France. Nationals enjoyed the rights of emigration and repatriation; however, they can be deprived of their nationality for specified acts, including naturalization in a foreign country. Only the Prince can grant or restore nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of such cases was very small.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system of providing protection to refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

Authority to change the Government and to initiate laws rests with the Prince. The Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The last National Council election was held in February 2003 and was considered free and fair. The Prince played an active role in Government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He also names the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government. Each is responsible to the Prince.

Only the Prince may initiate legislation, but the 24-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting.

The Constitution provides for three consultative bodies. The Prince on certain questions of national importance must consult the seven-member Crown Council, composed exclusively of Monegasque nationals. He may choose to consult it on other matters as well. The President and three members of the Crown Council are chosen directly by the Prince for 3-year terms. The three other members are proposed by the National Council, also for 3-year terms; the Prince then ratifies their selection.

The 12-member Council of State, which is not restricted to Monegasque citizens, advises the Prince on proposed legislation and regulations. The Council of State is presided over by the Director of Judicial Services, usually a French citizen. The Minister of State nominates the Director and other members of Judicial Services, and the Prince ratifies their nominations.

There were no reports of corruption, and the Government provided free and open access to official information.

One member of the Crown Council, five members of the National Council, and four members of the Economic Council were women.

Government participation is limited to citizens and French nationals, and there were no minorities in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the Government imposed no restrictions on the establishment or operation of local groups devoted to monitoring human rights, there were no such groups within the Principality. Foreign groups did not seek to investigate human rights conditions in the country.

Section 5

Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides that all nationals are equal before the law. It differentiates between rights that are accorded to

nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents, for example, freedom of inviolability of the home.

Women

Reported instances of violence against women were rare. The law strictly prohibits marital violence, and any wife who is a victim may bring criminal charges against her husband.

Rape is illegal, and the Government effectively enforced the law in practice.

Prostitution is legal; however, it was not considered a problem.

Women were represented fairly well in the professions; however, they were represented less well in business. Women received equal pay for equal work. The law does not prohibit sexual harassment; however, there were no reports of sexual harassment.

The law governing transmission of citizenship provides for equality of treatment between men and women who are nationals by birth; however, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Children

The Government was committed fully to the protection of children's rights and welfare and had well-funded public education and health care programs. The Government provided compulsory, free, and universal education for children up to the age of 16.

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice.

Section 6

Worker Rights

a. The Right of Association

The law provides workers with the right to form or join unions without previous authorization or excessive requirements, and they exercised this right. Less than 10 percent of workforce was unionized.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively was recognized and exercised freely, and the Government protected this right in practice. The law provides for the right to strike, and workers generally exercised this right in practice; however, government workers may not strike. There were no strikes during the year. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law and government policy protected children from exploitation in the workplace, and the Government effectively implemented the law and policy in practice.

The minimum age for employment is 16 years; those employing children under that age can be punished under the law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old.

e. Acceptable Conditions of Work

The legal minimum wage for full-time work was the French minimum wage, which was \$10.27 (7.61 euros) per hour, plus 5 percent. The 5 percent adjustment was intended to compensate for the travel costs of the three-quarters of the workforce who commuted daily from France. The minimum wage provided a decent standard of living for a worker and family. The legal maximum workweek was 39 hours.

Health and safety standards are fixed by law and government decree. These standards were enforced by health and safety committees in the workplace and by the Government Labor Inspector. Workers have the right to remove themselves from dangerous work situations without jeopardizing their employment, and the Government effectively enforced this right.